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INTRODUCTION

Background on CAWG

The Canada-Asia Working Group (CAWG) is an ecumenical coalition founded in 1978 and sponsored by the United, Anglican and Presbyterian Churches of Canada, the Canadian Catholic Organization for Development and Peace, Scarboro Foreign Mission Society, and the Canadian Friends Service Committee (the Quakers). CAWG's main activities involve solidarity relations, human rights advocacy and assisting the Canadian churches in their programmes and policies related to Asia.

The Canada-Asia Working Group is guided and motivated in this work by the commandments that form the heart of the Christian gospel: to love God, which we understand to compel us to endeavour to protect and enhance the dignity of all created in the divine image; and to love our neighbours, which we understand to entail a commitment to seeking justice and peace for all.

Canadian churches and religious organizations have deep and historic links with a wide range of groups in Asia, including church bodies, development agencies, human rights groups and peoples' organizations. In preparing these reports on human rights, members of CAWG have made numerous visits during the past year to the countries discussed and have often worked with local partners in investigation and documentation.

Focus and Priorities

The present document is neither exhaustive nor comprehensive. The focus on particular country situations has been guided by several factors: the extent of Canadian church relations with local partners, the severity of human rights problems and the degree to which the situation is followed at the Commission. It is understood that there are numerous other countries in the region in which there are serious human rights issues that demand the urgent attention of concerned Canadian citizens and the Canadian government. We also recognize that there are many other thematic issues which are of concern to colleagues in the region. This is why CAWG has welcomed and will continue to welcome opportunities to collaborate with the Canadian and international NGO communities.

The Canada-Asia Working Group prepares these reports on an annual basis prior to meetings of the United Nations Commission on Human Rights (UNCHR), which take place in Geneva during February and March. The reports also form the substance of our contributions to consultations with the Canadian Department of Foreign Affairs, held in Ottawa in January, which are intended to advise Canada's official delegation to the Commission. The reports are subsequently submitted to the Human Rights Commission and distributed to countries and NGOs participating in its work.

EAST TIMOR

East Timor at the 50th Session of the UNCHR

One of the major concerns that the Canada Asia Working Group raised in our report to the 50th Session of the United Nations Commission on Human Rights is the failure of the government of Indonesia to comply with the recommendations in the Consensus Statement of the 48th Session and the Resolution of the 49th Session. In our view, this is the chief reason why there is hardly any improvement in the human rights situation in East Timor. As in the past, the action of the 50th Commission on East Timor was characterized by a lack of firmness and appreciation for the serious human rights situation in East Timor.

Despite Indonesia's disregard of almost all of the recommendations of the Commission's Statement and resolutions, there was no strong demand on Indonesia to account for its actions or lack of action, nor any significant pressure on Suharto's government for satisfactory response. As in the previous resolutions, the statement focused solely on the Sta. Cruz massacre. It did not raise the issue of the grave human rights abuses that Indonesian security forces continue to perpetrate against the Timorese people, including arbitrary arrests and detention of East Timorese for their non-violent political activities or beliefs, disappearances and extrajudicial executions. This only served to reinforce the claim of the Indonesian government that the Sta. Cruz massacre was an isolated event and not a pattern of practice or policy.

On the other hand, the Consensus Statement was generous in its praise for the government of Indonesia. It recognized Indonesia for efforts to account for all the persons killed during or missing following the Sta Cruz massacre, despite the fact that up to now Indonesian authorities still cannot account for over 200 people missing, has located the remains of only 19 and verified the identity of only one, out of the estimated 250 people killed.

Moreover, the Statement praises the Indonesian government for the "greater access recently granted to human rights and humanitarian organizations" and for positive measures to promote human rights in East Timor. Our information indicates that both statements are without basis and are misleading about the actual human rights situation in East Timor.

Up to now Amnesty International is still denied access to East Timor; requests last year for entry by Asia Watch, a French human rights organization headed by Mme. Miterrand as well as by Indonesian groups were denied. There is no change to the Indonesian policy and practice of repression to bring about East Timor's integration into Indonesia. According to Bishop Carlos Ximenes Belo there exists "the same climate of fear..., the same situation of difficulty." In his Pastoral Letter released in July, Belo spoke about continuing "extrajudicial killing, extrajudicial punishment, arbitrary arrest and illegal detention, torture, missing people (perpetrated) especially by extrajudicial institutions."

This assessment of the situation in East Timor has been concurred by an official of the Canadian International Development Agency, who visited East Timor in late February 1994. She reported that: "Despite optimistic view expressed by (the) governor and other government officials that (the) worst is over, (that) tensions have been reduced and that East Timorese have accepted (the) fact of ET's integration into Indonesia, basic human rights situation seems to have changed little over (the) past twelve months. While there are fewer public reports of arrests, detention and disappearances, etc., contacts told us that they continue to happen and (the) army keeps (the) population under constant surveillance and harasses civilian in more subtle ways."[1]

Canada justified its support for a Consensus statement, instead of a resolution, on the basis that Indonesia's concurrence would ensure the most effective outcome possible. But the result in East Timor is the contrary. As our partners in East Timor say, Indonesia is able to continue perpetuating its repressive rule in East Timor and allowing the human rights abuses of its security forces because there is no strong pressure from the member states of the UN. They regret that the shift in international opinion about East Timor has not resulted in stronger action from other governments.

The member states at the 51st Session of the United Nations Commission on Human Rights should realize by now that the course of action it had been taking in the past has clearly failed. Only a firm and strong action would be adequate to convey to both the Indonesian government and the Timorese people the Commission's serious concern about and intention to act decisively on human rights questions in East Timor.

The Report of the Special Rapporteur

One of the few actions taken by the Indonesian government to comply with the U.N. recommendations was to invite the U.N. Special Rapporteur on Extrajudicial, Summary and Arbitrary Execution to visit East Timor. The Special Rapporteur, Mr. Bacre Waly Ndiaye, visited East Timor and Indonesia from 3-13 July 1994. His report, which will be tabled at the 51st Session of the Commission, is critical of the response of the Indonesian government to the Sta Cruz massacre and of the general situation in East Timor.[2]

One of the important conclusions of the Rapporteur's report is that "the way in which violations of the right to life have been dealt with by the Indonesian authorities in East Timor" has been marked by shortcomings at all levels. Basic questions about the Sta. Cruz killings still remain unanswered - the number, identity and location of the bodies of the persons killed; the number, identity and whereabouts of those who are missing; the identity of those who are responsible for the killings and the line of command, etc. "It is not too late," he stresses, "to conduct proper investigations" so that the perpetrators can be brought to justice, victims and their families compensated and further killings prevented.

The report affirms that "the conditions that allowed the Sta. Cruz killings to occur are still present" and ties this to the presence and role of the military in East Timor. The impunity enjoyed by the members of the security forces who commit human rights abuses is singled out as one of the most serious causes of the problem in the territory. Stating that he had "clearly sensed the terror among the many Timorese people" he met, Mr. Ndiaye recommends the drastic reduction of military presence in East Timor, saying that this is "prerequisite to confidence building measures allowing the families to feel safe enough to report" about human rights violations. Since the Indonesian government maintains it has reduced the number of troops in the territory while maintaining, if not increasing, territorial and intelligence units, the Report clearly specifies that the reduction should include not only combat troops but also territorial battalions and intelligence units.

The Sta Cruz massacre, the Special Rapporteur urges, must not be seen as a thing of the past. He concludes by stressing that "no confidence measure can be effective, and no solution for the problems of East Timor can be found before justice is done."

Right to Self Determination

It is generally acknowledged that successful prevention and elimination of human rights abuses in East Timor is intrinsically linked to the satisfactory resolution of the issue of Timorese self-determination. A few gains have been made in the U.N. initiated talks. Following the May meeting

at which both Indonesia and Portugal acknowledged the importance of consulting representatives of the East Timorese resistance, a meeting took place between Indonesia's Foreign Minister and representatives of the National Council of Maubere Resistance (CNRM), FRETILIN and the UDT. However, the talk is proceeding at a snail's pace.[3]

1994 clearly demonstrated that Timorese resistance to Indonesian rule is on the rise. A new generation of Timorese resistance is emerging. Protests actions and demonstrations became frequent and these were carried out by young Timorese. There are 3 significant things about them: One, they are politically radicalized and becoming more consistent in their opposition to Indonesian rule. Second, they are educated Timorese, product of Indonesian schools. And third, they are waging their resistance in the open.

These developments would indicate that Indonesia's policy of integration in East Timor has failed. It has not succeeded in imposing integration through repression, nor has it been able to sell integration through development and education.

CAWG has also been informed by our partners, that even among those who are not pro-independence, there is a general dissatisfaction with the way integration took place and its current implementation. The people of East Timor feel that they have not been able to participate in the making of the decisions that affect their lives. They have not had the opportunity to choose in accordance with what they think and feel about themselves as a people.[4] This is exacerbated by the high visibility and intrusive presence of Indonesian troops in their daily lives.

Another factor contributing to the Timorese dissatisfaction with the present situation is their economic marginalization. Young Timorese graduating from Indonesian schools are unable to find jobs. Meanwhile, the Indonesian settlers are taking the jobs in the civil service and private sector, controlling trade and commerce and taking the best portions of their land. Development money has been poured by the Indonesian government into East Timor, purportedly to convince the people of the advantages of integration. But in the experience of the East Timorese, the Indonesians, not them, are the main beneficiaries of development.

While resentment towards Indonesian settlers is building among the Timorese population, the Indonesian government continues to aggressively implement its transmigration programme and to encourage migration to East Timor. These actions seem to be a deliberate move aimed at enforcing integration by assimilating and outnumbering the local population. As Bishop Belo told a visiting group of American and Canadian church people, if the Indonesians stay longer, the East Timorese will have less and less chances to maintain their identity and will be increasingly pushed into the economic margins.

At the root of the increasingly volatile situation in East Timor problem is the deep alienation that the people are feeling. With the deterioration of the political situation, repression and human rights abuses will likely increase. In view of this, priority should be given to the peaceful resolution of the political situation. In his July pastoral letter, Bishop Belo urged the "government of Indonesia to genuinely cooperate with the U.N. Secretary General and the government of Portugal and resistance groups to allow effective progress towards a settlement of the question of East Timor."

Human Rights Violations

One of the problems highlighted by the report of the Special Rapporteur is the continuing use of force by the Indonesian security forces in dealing with peaceful demonstrations of political dissent. This is accompanied by and gives rise to numerous human rights violations -arbitrary arrests and detention,

use of cruel treatment and torture, forced disappearances, extrajudicial executions.

The restraint shown by security forces who dealt with the demonstrations during the APEC meetings can hardly be used to demonstrate that Indonesia's human rights conduct in East Timor has improved. Indonesian authorities knew very well that events in Indonesia, particularly in East Timor, during the meetings would be closely watched and critically scrutinized by the international community.

The number of forceful dispersal of peaceful protests, cases of arbitrary arrests, detention, torture and even killing of persons involved in these activities increased during the year as the protest actions by young Timorese became frequent in 1994.

One case is the arrest of a group of East Timorese who staged a peaceful pro-independence rally on 14 April 1994 during the visit of foreign journalists. Eleven arrests were reported, but the Indonesian government never acknowledged holding more than 6. Three of them, Pantaleao Amaral, Isaac Soares and Miguel de Deus, have been convicted by the Dili court of violating Article 154 of the Criminal Code, for spreading hatred toward the government of Indonesia and sentenced to 20 months in prison. One Rosalino dos Santos received the same sentence for creating public disorder and inciting separatist sentiments. And Pedro de Fatima was charged of being the "brains" behind the demonstration and sentenced 3 years and 6 months.[5]

Another incident took place on 14 July 1994. A student protest march was violently dispersed by security forces resulting in over 50 arrests and many injuries. Reports that 3 people were killed have not been verified. The military's claim that the students had provoked the clash preceding the violent dispersion of the rally was disputed by the Javanese rector of the University of East Timor, who was an eyewitness to the events. According to him, "the violence was not initiated by the demonstrators, that the injuries inflicted on the wounded were not only the result of stone-throwing (by demonstrators), but were more the result of the violence perpetrated by the security forces..." who attacked the demonstrators "first with batons, kicks, striking people with their shields, teargas and ... by two sniffer dogs."[6]

A few days later, a van belonging to the local newspaper, Suara Timor Timur, was blown up. The editor of the paper linked the incident to the paper's coverage of the demonstrations.

Since November 1994, pro-independence demonstrations in East Timor became even more frequent. Invariably, the Indonesian security forces have responded with arbitrary arrests and detention, cruel treatment and torture. Over 100 East Timorese were reportedly arrested following the series of demonstrations in November and some 25 to 30 are believed to be still detained and may face trial. Some have reportedly been tortured in custody. About 30 young Timorese were also arrested on 9 January 1995, following a demonstration at the University of East Timor in Dili. Two were reportedly badly beaten on arrest. A military spokesperson for East Timor acknowledged that 24 East Timorese were being held for questioning related to the demonstration. There are reports that some of them have been subjected to torture, such as electric shocks and denied access to their lawyers.[7]

Entry into East Timor, especially by journalists, human rights and humanitarian groups, has become much more restricted. There have been cases of visiting foreign journalists who were ordered to leave. A team of international and Asian church people scheduled to visit East Timor last December could not obtain permission from the Indonesian authorities.

Religious Tension and Attacks on the Catholic Church

The 14 July violent clash was precipitated by two incidents in which the church or church persons were attacked by the military. The first took place on 28 June in the village of Remexio when 3

Indonesian soldiers received holy communion at the church of Sao Jose and spat out the host and trod it underfoot. Offended by the desecration, East Timorese Catholics beat up the soldiers, who said they had acted on the orders of their superiors.[8]

In the second incident, two Catholic nuns, who were taking entrance examinations at the University of East Timor were taunted by Indonesian intelligence agents. One of the nuns was asked if she wanted to become pregnant.[9]

It must be emphasized that the East Timor problem is not a religious conflict between Catholics and Muslims. But the incidents above, may suggest that the Indonesian military is using religion to create and heighten the tension between Catholic East Timorese and non-Catholic Indonesians. Jose Ramos Horta, the spokesperson for the CNRM believes that the Indonesian authorities are deliberately manoevering to change the East Timorese problem into a religious conflict.

The Indonesian government continues to implement programmes or support initiatives which are exacerbating the situation. The influx of transmigrants and spontaneous migrants into East Timor has been accompanied by a process of Islamising as most of them are Muslim. There are reports that the Indonesian government is supporting efforts to Islamize the East Timorese. Incentives and material rewards are reportedly offered to young Timorese who become Muslims or attend mosques.

Thirdly, intimidation is reportedly used to push Islamisation. In Aileu, the military and police commanders, whom Timorese have good reasons to fear, are initiators and officers of the association that built the mosque. Fr. Domingo Soares, has reported that some of his parishioners in Letefoho, who were unable to pay generous credits offered by Muslim traders were told they had 3 options: to hand over their lands, or become Muslims, or be reported to the police. [10]

Finally, there are continuing reports of attempts by the Indonesian military to intimidate, harass and undermine the standing of the local East Timorese clergy, including Bishop Belo, through disinformation and false accusations. After giving interviews to foreign journalists, Fr. Domingo Soares was summoned for a 90 minute interrogation by the police and military intelligence command, during which he was questioned about the murder of a village head and the activities of his parish's youth organization.

These developments are creating a volatile political situation that is increasingly taking on a religious character. For East Timorese who view Islam as the religion of the occupying Indonesians and therefore, a symbol of oppression, these developments are not simply a cultural or religious threat, but a political threat.

Conclusion and Recommendations

As we emphasized in our report last year, the human rights problems in East Timor will not disappear until the issue of the East Timorese' right to self-determination is addressed and satisfactorily resolved. This should compel the government of Canada and the U.N. to, not only scrutinize human rights abuses in East Timor, but address their root causes and immediately take vigorous steps to resolve as soon as possible the question of Timorese self determination.

In light of the failure of the previous Consensus Statements to obtain compliance from the Indonesian government and of the report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Canada Asian Working Group (CAWG) calls on the Canadian delegation at the 51st Session of the United Nations Commission on Human Rights to take the lead in and actively support the passing of a resolution on East Timor to include the following:

1. condemn the repressive measures of the Indonesian government in East Timor and the grave human rights abuses by Indonesian authorities against the East Timorese including the continuing use of force to deal with political dissent, arbitrary arrests and detention, use of torture, forced disappearances and extrajudicial killings as well as the continuing implementation of transmigration, deliberate provocation of religious and ethnic tensions and attacks on the Catholic church and church people;

2. the conduct of proper investigations into the Sta Cruz massacre by a new, independent, impartial and expert Commission on Inquiry to "identify and bring to justice the perpetrators, to determine the fate and whereabouts of the missing persons, to grant compensation to the victims or their relatives and to prevent the occurrence of further killings;

3. measures to end the impunity enjoyed by Indonesian security forces who commit human rights abuses should be immediately established; an immediate and drastic reduction of the presence of the Indonesian combat troops, territorial battalions and intelligence units; and the immediate transfer of policing responsibilities to a civilian police force;

4. transfer of jurisdiction over human rights cases involving security forces to the ordinary civilian judiciary;

5. granting of free access to human rights and humanitarian organizations into East Timor; Indonesia should allow the formation and independent operation of a human rights body, composed of independent and impartial East Timorese individuals, to monitor, document, investigate and report on human rights cases in East Timor.

5. the immediate and unconditional release all those who have been arrested, detained and convicted for their non-violent political activities and beliefs and the disclosure of information on the identity and whereabouts of all political prisoners;

In its bilateral and multilateral dealings with the Indonesian government, we strongly urge the Canadian government to express support for the call of Bishop Belo for the immediate granting of "special status" to East Timor and the holding of a referendum on the status of East Timor as soon as possible.

Finally, we call on the Canadian government to strongly encourage the U.N. secretary general to instill more urgency into the talks between the governments of Indonesia and Portugal and to ensure the participation of East Timorese representatives in these talks, as well as to refrain from legitimizing negotiations or talks which are not inclusive of all the parties and groups representative of the East Timorese people and aimed at removing the Timorese problem from U.N. intervention or diverting current negotiation efforts.

ENDNOTES

1. Susan Davies, Report of a Trip to East Timor and Indonesia (unclassified), Feburary 1994.
2. Report by the Special Rapporteur, Mr. Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994, E/CN.4/1995/61/Add.1, 1 November 1995. Subsequent quotes in this section are from the report.
3. TAPOL Bulletin No. 126, December 1994.
4. Report of the WCC/CCA Sponsored Consultation on the Churches Concern for East Timor, Hongkong, 12-15 December 1994.
5. Timor Link, September 1994.

6. Ibid.
7. Amnesty International, Urgent Action 05/95, 11 January 1995.
8. Timor Link, September 1994.
9. Ibid.
10. Ibid.